

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 29, 2000

DIVISION ONE

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B134068 People (Not for Publication)
v.
Pintor

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B135534 People (Not for Publication)
v.
Cranev

We affirm the judgment

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B133804 Wilner (Certified for Publication)

v.

Sunset Life Insurance Company

B133804 Sunset Life Insurance Company v. S.C.L.A. (Wilner, r.p.i.)

The order sustaining without leave to amend the demurrer of the class action allegations of Wilner's first amended complaint is reversed. The superior court is directed to deem those allegations to be incorporated into the second amended complaint. The petition for a writ of mandate is denied. Wilner is to recover her costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B122768 Horton (Not for Publication)

v.

City of Compton

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B137565 Larry W. (Not for Publication)

v.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

Petition denied by opinion.

Ortega, J.

We concur: Spencer, P.J.
 Masterson, J.

DIVISION ONE (Continued)

B127735 People (Not for Publication)
v.
Warner

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B131410 People (Not for Publication)
v.
Lesley

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B138810 Patko (Not for Publication)
v.
Superior Court, Los Angeles County
(Aircraft Leasing & Tours, Inc., et al., r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its January 12, 2000 order, denying the motion of Yvette A. G. Patko to be relieved as counsel of record for Aircraft Leasing & Tours, Inc., and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC204155, entitled V. Bush v. Aircraft Leasing & Tours, Inc. The temporary stay order is hereby terminated. All parties shall bear their own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J.

February 29, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment of convictions is affirmed. The case is remanded to allow the trial court to reconsider defendant's motion to reduce his sentence

Spencer, P.J.

I concur: Masterson, J.
I concur: Ortega, J. (opinion)

B136703 Anaya et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(City Of Los Angeles et al., r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its September 24, 1999 order, sustaining the demurrer of Ralph Rodriguez Diaz, Gabriel Eudalgo Lara, and Robert Wayne Everton to the wrongful death cause of action in Los Angeles Superior Court case No. BC207495, entitled Genoveva Anaya et al. v. City Of Los Angeles et al., and to issue a new and different order overruling same. Each party is to bear its own costs.

Spencer, P.J., Vogel (Miriam A.), J., Masterson, J.

B131601 Chiu (Not for Publication)
v.
Dean Witter Reynolds, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION ONE (Continued)

B124327 Ring (Not for Publication)
v.
Ring et al.

The order granting respondent's petition is reversed. The trial court is directed to vacate its order denying appellants' motions for a judgment on the pleadings and to enter a new and different order granting the motion. Appellants are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B133174 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B123335 L'Anza Research Int'l (Not for Publication)
v.
Quality King Distributors, Inc.

The order is reversed. The trial court is directed to enter judgment in favor of defendant. Defendant is to recover costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B132163 People (Not for Publication)
v.
Woige

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B130581 Consolidated Reconveyance Co. etc. (Not for Publication)
v.
Anaya et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B133648 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Kevin S.

The order terminating the parental rights of Kevin S. is reversed. The juvenile court is directed to order paternity testing forthwith. Should the results reveal that Kevin S. is the biological father of Kristopher S., the court is directed to hold a jurisdictional hearing. In the event that further proceedings are necessary, the court is directed to hold a “Kelsey” hearing. Let the remittitur issue forthwith (Cal. Rules of Court, rule 25(b)).

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION TWO

B130279 People (Not for Publication)
v.
Jordan

The order of dismissal and the trial court's order granting the motion to suppress are reversed.

Boren, P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

B115086 Safieslamy (Not for Publication)
v.
Blanco

The July 22, 1977 pendente lite order for attorney fees and sanctions is reversed. The portion of the judgment filed February 18, 1998, awarding an additional \$3,500 in attorney fees and sanctions, is reversed. Any motion for attorney fees, costs or sanctions is to be filed in the trial court within 30 days of the filing of the remittitur. In all other respects, the judgment is affirmed.

Goodman, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B116254 Cordero (Not for Publication)
v.
Reaver et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B122717 United States Elevator Corporation (Not for Publication)
v.
Comfort California, Inc.

The judgment is reversed as to the cause of action for express indemnity.
In all other respects, the judgment is affirmed. Respondent to bear costs of
appeal.

Nott, J.

We concur: Boren, P.J.
Cooper, J.

B126133 Grier (Not for Publication)
v.
Lowe et al.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

B130548 People (Not for Publication)
v.
Pickett

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Cooper, J.

February 29, 2000-Continued

DIVISION TWO (Continued)

B129983 People (Not for Publication)
v.
Leknes et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B128915 Wagner
v.
City of South Pasadena
Landmark Theatre Corporation

Filed order certifying opinion for publication.

DIVISION THREE

B116370 Liney Hamilton (Not for Publication)
v.
City of Pasadena
Corneal Milloy et al.

The judgment is reversed and the matter is remanded for trial. Hamilton is awarded his costs on appeal.

Klein, P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

DIVISION THREE (Continued)

B131933 People (Not for Publication)
v.
Johnell S.

The judgment (order continuing minor a ward of the court under Welf. and Inst. Code, 602) is modified to strike the four-month term imposed as to the principal armed enhancement as to count 2, and to reflect a maximum term of confinement of eight years and nine months and, as so modified, affirmed.

Klein, P.J.

We concur: Aldrich, J.
Schneider, J. (Assigned)

B125976 Roland Gibeault & Inge Maudal (Not for Publication)
B128230 v.
Gregory K. Hafif et al.

The summary judgment against Maudal is reversed, as is the summary judgment against Gibeault, and the cause is remanded for further proceedings consistent with the views expressed herein. All parties to bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B125398 Walter M. Brennan
v.
Tremco Incorporated et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE (Continued)

B133782 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Particia O.

In re Salman Y., a minor

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B121713 Gwinnett et al. (Not for Publication)

v.

County of Los Angeles et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Berle, J. (Assigned)

B128263 Sharma (Not for Publication)

v.

University of Southern California

The order denying the motion for relief from dismissal is affirmed.

Epstein, Acting P.J.

We concur: Curry, J.
 Dau, J. (Assigned)

February 29, 2000-Continued

DIVISION FOUR (Continued)

B131206 People (Not for Publication)
v.
Perez

The judgment is affirmed as corrected.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

DIVISION FIVE

B132410 People (Not for Publication)
v.
Pablo Adame

The judgment is modified to reflect defendant has been fined in the sum of \$200 pursuant to Penal Code section 1202.45. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
Grignon, J. (Opinion)

B131294 People (Not for Publication)
v.
Burnett Nelson

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B133891 People (Not for Publication)
v.
Margaret Delarosa

The judgment is reversed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B132274 People (Not for Publication)
v.
George Garcia

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B126298 People (Not for Publication)
v.
Dwayne Brown

The judgment is reversed.

Armstrong, J.

I concur: Godoy Perez, J.
I dissent: Grignon, Acting P.J. (Opinion)

DIVISION SIX

B132061 Raymond W. Clanton (Not for Publication)
 v.
 Shahin Azarmehr

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B127565 People (Not for Publication)
 v.
 Leggette, Jr., et al.

The judgments are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SEVEN

B115271 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 John C., Sr.

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.